

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING  
The McNamara Alumni Center  
200 Oak Street SE  
Minneapolis, MN 55455-2002**

**July 18, 2015**

The Minnesota Board of Medical Practice met on July 18, 2015, at the McNamara Alumni Center in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Keith H. Berge, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; and Joseph R. Willett, D.O., FACOI

**PUBLIC SESSION**

**Agenda Item 1: Call to Order and Roll Call**

The meeting was called to order by President, Mark A. Eggen, M.D. Roll call was taken by Board staff.

**Agenda Item 2: Minutes of the May 9, 2015, Board Meeting**

The minutes of the May 9, 2015, Board meeting were received and approved as circulated.

**Agenda Item 3: Mission and Overview of the Minnesota Board of Medical Practice**

Dr. Eggen welcomed medical students, residents, and other members of the public to the Board meeting and provided an overview of the Board and its mission.

**Agenda Item 4: Misdiagnosis and Missed Diagnoses as Identified in Malpractice Cases: Presentation by Laurie Drill-Mellum, M.D., MPH**

Dr. Drill-Mellum is Midwest Medical Insurance Company's and Utah Medical Insurance Association's Chief Medical Officer and Vice President of Patient Safety Solutions. She provided a presentation to the Board on delayed diagnosis, misdiagnosis and missed diagnoses as Identified in malpractice cases. A question and answer session followed. Dr. Drill-Mellum will e-mail her PowerPoint presentation to Board staff to distribute to Board members and attendees.

**Agenda Item 5: Licensure and Registration**

**Notice:** Dr. Eggen informed the Board that Rebecca J. Hafner-Fogarty, M.D., M.B.A., resigned from the Licensure Committee. Although Dr. Hafner-Fogarty was not present at the Board meeting, Dr. Eggen extended his thanks for Dr. Hafner-Fogarty's many years of service on the Licensure Committee. Dr. Eggen appointed Patricia J. Lindholm, M.D., FAAFP, as Licensure Committee Chair, effective immediately. Dr. Lindholm accepted the appointment.

On recommendation of the Licensure Committee, physician applicants 1 – 353 of the agenda were approved for licensure subject to the receipt of verification documents; applicant number 291 is pending approval in Executive Session.

On recommendation of the Licensure Committee, physician applicants 354 and 425 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 355 – 358 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainers Advisory Council, athletic trainer applicants 359 – 372 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 373 – 403 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 404 – 422 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicants 423 – 424 of the agenda were approved for licensure subject to receipt of all verification documents.

#### Agenda Item 6: Licensure Committee

- Minutes of the June 25, 2015, Licensure Committee  
Patricia J. Lindholm, M.D., FAAFP, Chair of the Licensure Committee, presented the minutes of the June 25, 2015, Licensure Committee Meeting.

Dr. Lindholm summarized the Licensure Committee's actions and discussions.

The minutes and actions of the June 25, 2015 meeting of the Licensure Committee were received and approved as circulated.

#### Agenda Item 7: Fiscal Year 2015 Statistical Report

Ruth Martinez, M.A., Executive Director, presented the 2015 Fiscal Year Statistical Report and directed Board members to the statistical tables and charts in the Board agenda for further review.

Ms. Martinez noted that the number of individuals who obtained a license to practice medicine in Fiscal Year 2015 (FY 2015) decreased for the first time since 2010. There were 65 fewer new physician licenses issued in FY 2015. Likewise, fewer new licenses were issued for respiratory therapists. Ms. Martinez felt it wasn't a significant drop in numbers, but we'll be paying attention to see how the numbers trend over the new few years. Ms. Martinez is interested to learn if other state medical boards are seeing similar trends. She may contact the Federation of State Medical Boards (FSMB) to look into the matter.

There was a significant decrease in the number of complaints received in FY 2014. The number of complaints received in FY 2015 has gone up again, however, not to the level of previous years. It is unclear why the numbers of complaints has decreased.

Since the retirement of Medical Coordinator Ali Coulter, M.D., in March of 2015, staff is evaluating the workload to determine whether to hire another medical coordinator.

The Complaint Review Committees have consistently applied discipline, education, and the use of educational conferences. The numbers of disciplinary and corrective actions has been stable over the last several years.

Ms. Martinez provided a brief overview of statistical tables reflecting the sources and subjects of complaints, as well as the numbers of complaints in total and by profession.

#### Agenda Item 8: Executive Director's Report and Legislative Update

Ms. Martinez provided a summary of the Executive Director's Report.

- May 11, 2015, June 12, 2015, and July 16, 2015: Ms. Martinez participated in meetings of the State Opioid Oversight Project (SOOP) Workgroup. The group, which was established by the National Governors Association, meets monthly. The Department of Human Services (DHS) oversees and facilitates the Workgroup. Ms. Martinez referred Board members to the Board agenda for SOOPs working goals.

Ms. Martinez noted that she distributed to SOOP Workgroup members, copies of *Responsible Opioid Prescribing: A Clinician's Guide* by Scott M. Fishman, M.D. Members were delighted to receive the books and asked how to obtain additional copies.

As part of its process, the team is reviewing grant opportunities for expanded education. The team is also working to develop messages for delivery at external summits. Ms. Martinez will keep the Board informed about the progress of the SOOP Workgroup.

Ms. Martinez directed Board members to a draft hand-out regarding a Pain.Pill.Problem Conference that will be held on the Campus of the University of Minnesota, possibly Northrup Hall, on August 25, 2015. The purpose of the workshop is to discuss the topic of opioid prescribing and how to manage problems associated with opioid prescribing. Governor Dayton will open the conference and there will be several other renowned presenters at the conference. Ms. Martinez invited and encouraged Board members to attend. Board staff will notify Board members when registration instructions for the conference are available.

- May 18, 2015: The regular session of the Minnesota Legislature closed. A housekeeping bill to modify the Physician Assistant Statute failed to pass in the House. The bill included revisions to the Midwifery Statute, as well as changes to align internal and administrative hearing processes in Minn. Stat. §214 related to temporary suspension of licenses.

Ms. Martinez and Tom Lehman, a lobbyist for the physician assistant professional association, spent several hours the night of May 17, 2015, responding to questions by legislators. Ms. Martinez felt that they had successfully answered all of the questions. Unfortunately, the bill was pulled by the author. The proposed changes will likely be brought again during the 2016 legislative session.

- May 19, 2015: The Interstate Medical Licensure Compact bill passed both houses and was signed into law. Governor Dayton will appoint two representatives from the Board to serve as Minnesota representatives on the Interstate Commission. Board members will recommend candidates for appointment by Governor Dayton later in this agenda. A commissioner must be a member of the Board or the executive director. Prior to the Board meeting, Board members interested in serving on the Interstate Commission were invited to submit their names for consideration. Board members may announce their interest today, as well.

There are now ten states that are in the Compact and Compact legislation is pending in additional states. By the end of next year, Ms. Martinez anticipates that there will be a significant number of states in the Compact. In preparation for implementation of the Compact, Board staff is working on upgrading the Board's database to ensure it has the technical capacity to expedite the licensing process.

Ms. Martinez has been engaged with executive directors of other compact states to discuss how the Boards will implement and facilitate the launch of the Compact. Ms. Martinez and other executive directors from Compact states, along with Lisa Robin, MLA, Chief Advocacy Officer at the FSMB and representatives from the MMA, will meet at an upcoming conference to discuss interstate collaboration. Clinic systems have many questions about the implementation of the Compact.

Ms. Martinez noted that there is tension in some Compact states about the role of the FSMB in facilitating enactment of the Compact. Ms. Martinez stated that Minnesota has felt very positively about the facilitation by the FSMB to help bring this legislation and support the legislative process. Some states fear that the FSMB will control the bylaw and rule writing processes, for which the Interstate Commission is responsible. Ms. Martinez is not concerned because the law is very explicit about the role of the Commission. Ms. Martinez is welcoming of the FSMB facilitation in this process.

Jon V. Thomas, M.D., M.B.A, visited Washington D.C. and participated in a panel discussion and press conference endorsing enactment of the Compact. Dr. Thomas was not present to summarize his visit, however, the press release was included in the Board agenda for the Board's review. Cheryl Johnston, Executive Assistant, also e-mailed Board members a link to a video snapshot of panel presenters and some of their comments. Ms. Martinez is hopeful that the Commission will convene its first meeting in October 2015.

- The International Medical Graduate (IMG) Taskforce bill was funded, in part, to prepare immigrants for entrance into residency programs. The initial bill tried to modify residency clinical training requirements to bypass some clinical training requirements; that portion of the bill did not pass. The language was successfully changed after discussions with Mark Schoenbaum, Director of the Office of Rural Health and Primary Care and the Taskforce Chair Dr. Edwin Bogonko from the Minnesota Medical Association. Ms. Martinez appreciated their willingness to work with Board staff on the revisions. As the bill passed, it was satisfactory and does not impact the Minnesota Medical Practice Act.

A workgroup is being formed as part of that IMG bill and the Board will be part of the workgroup. Ms. Martinez is unclear if it will be a Board member or Board representative serving on the workgroup. Ms. Martinez will keep the Board apprised as she learns more. The Minnesota Medical Association (MMA) as well as other professional groups and other stakeholders will also be participating in the workgroup.

- May 20, 2015: Complaint Review Unit Supervisor Elizabeth Huntley represented the Board on the Medical Cannabis Workgroup convened by the Minnesota Hospital Association. The Workgroup is evaluating the legal and clinical impacts of legalization of medical cannabis (MC) in Minnesota.

Ms. Martinez and Ms. Huntley met with staff from the Office of Medical Cannabis on July 15, 2015, and brought three brochures from that meeting to distribute:

- "A Guide for Patients;"
- "You're Registered with the Program...Now What? A Guide for Patients" and;
- "Health Care Practitioner Navigator II: Register Yourself and Certify Patients."

The Workgroup is currently working on a flyer for law enforcement. Ms. Martinez and Assistant Attorney General Jason Pleggenkuhle previously discussed the Medical Cannabis Law and determined that the Board should not act as an expert or resource on the subject of medical cannabis and the new law. Calls received regarding this topic are to be directed to the Office of Medical Cannabis. Ms. Martinez would like to post

portions of the information on the Board's website along with a link to the Office of Medical Cannabis.

- May 26, 2015 and June 17, 2015: Licensure Supervisor Molly Schwanz and Ms. Martinez met with representatives of the Minnesota Department of Health (MDH), Office of Rural Health, to review revisions to the MDH Work Force Survey. The survey is used by MDH and others for work force planning. Currently, the Board assists MDH by distributing the survey as part of the license renewal process and by requiring completion of the survey as part of the on-line renewal process. Incorporation of the survey into the on-line renewal process has dramatically increased the response rate by Board licensees.

Proposed revisions include modification of and additions to the questions to which licensees/registrants are asked to respond. Ms. Martinez noted that the length of the survey has increased from two pages to eight pages, with over twenty questions. Dr. Eggen noted that the FSBM's recommendation for gathering national data is to keep a survey to ten questions or less, with eight questions being optimal. Ms. Martinez and Ms. Schwanz felt that some of the questions were poorly written.

MDH representatives will seek feedback from the Executive Directors Forum of the health licensing boards. Ms. Martinez and Ms. Schwanz have provided significant feedback, but suggested that MDH representatives come to the September 12, 2015, or another Board meeting, to get direct feedback from physician Board members who will be asked to complete the survey.

- June 29, 2015: Board member Rebecca Hafner-Fogarty, M.D., M.B.A., wrote an article on "Physician Burnout: A growing Problem," which was published in the June 2015 edition of *Minnesota Physician*. Ms. Martinez stated that the article was very good and invited Board members to read the article.
- June 30, 2015: Effective June 30, 2015, the 10% e-Licensing surcharge enacted by the Minnesota Legislature in 2009 expired. The Board contributed approximately \$2.3 million in e-Licensing funds over the past six years.

In anticipation of significant costs related to upgrading the Board's aging licensing application system and implementing the Interstate Medical Licensure Compact (IMLC) into its licensing database, the Board has applied for e-Licensing funds to offset development and conversion costs. The Board also applied for and received approval to transfer surplus funds from the Board's previous biennial budget to MNIT through the state's Odyssey Fund Project. Targeted projects include implementation of the IMLC and upgrades to continuing education audit processes.

- July 8, 2015: Staffing transitions continue at the Board. Karen Stuart, an Office and Administrative Specialist in the Complaint Review Unit, has announced her retirement effective September 2, 2015. Ms. Stuart's departure represents the sixth retirement of Board staff during the past two years, a 25% staff turnover. Board staff is in the process of filling a Senior Office and Administrative Specialist position in the Licensure Unit, formerly occupied by Pat Hayes. Ms. Hayes retired from the Board in May. Board staff is in the interview process to fill Ms. Stuart's position in the Complaint Review Unit. Ms. Martinez is very grateful for the years of service of retiring staff and is excited about the staff that have been brought in and promoted to do on-going great work at the Board.
- Other Items Discussed with the Agenda Item 8: Executive Director's Report:
  - Keith H. Berge, M.D., informed the Board of the First Annual Mayo Clinic Opioid Conference: Evidence, Clinical Considerations and Best Practice 2015, that will be held at the Mayo Clinic in Rochester, Minnesota on October 22-23, 2015. Dr.

Berge will be a presenter at this Conference. Dr. Berge noted that continuing medical education (CME) will be offered and the conference is not free. Dr. Berge sent details of the conference that Ms. Johnston will forward by e-mail to Board members.

- Sarah L. Evenson asked if there has been any thought to have the complaint form available on the Board's website to be filled out electronically. Ms. Martinez stated that a couple of other Boards have already begun doing both an on-line initial application and submission of complaint forms on-line. Ms. Martinez will be working with some of the other health licensing board's executive directors to develop on-line forms. Ms. Martinez thanked Ms. Evenson for an excellent question.

#### Agenda Item 9: Recommendations for Appointees to the Interstate Commission

As previously discussed in Agenda item 8, Executive Director Report, the Governor will appoint two individuals, recommended by the Board of Medical Practice, to serve as Minnesota's voting representatives on the Interstate Commission. Prior to the Board meeting, Ms. Martinez requested that Board members interested in serving on the Interstate Commission submit their names for inclusion in the Board agenda. Ms. Martinez noted that Board members can also submit their names now for consideration. No other Board member put their name forward. The following individuals submitted their names prior to the Board meeting for consideration:

- Jon V. Thomas, M.D., M.B.A., Physician Board Member
- Joseph R. Willett, D.O., FACOI, Physician Board Member
- Ruth M. Martinez, M.A., Executive Director

Dr. Willett stated he would like to serve as a physician stakeholder in licensure. He believes that stakeholders need to have substantial input. Dr. Eggen spoke with Dr. Thomas prior to the Board meeting and relayed that Dr. Thomas is very interested in serving on the Interstate Commission. Dr. Eggen stated that Dr. Thomas has been on the FSMB Board of Directors and has served as an officer of the Board and has been very instrumental in how the Interstate Compact Legislation was drafted and disseminated among licensing Boards. Ms. Martinez noted that she submitted her name based on her knowledge and experience regarding internal licensing processes.

A motion was made and passed unanimously that the Board recommend Jon V. Thomas, M.D., M.B.A., to Governor Dayton to serve on the Interstate Commission. Ms. Martinez and Dr. Willett left the room. After a brief discussion, a motion was made and passed unanimously that the Board recommend Ruth M. Martinez, M.A., to Governor Dayton to serve on the Interstate Commission. Ms. Martinez and Dr. Willett returned to the Board meeting and Dr. Eggen informed them of the Board's recommendation. Ms. Martinez thanked the Board for the opportunity. Ms. Martinez noted that Dr. Willett would have made a great candidate, as well.

The FSMB has offered to facilitate the first meeting of the Interstate Commission. At the first meeting, the Interstate Commission will decide who will facilitate future meetings.

Dr. Eggen gave a brief history of compacts in Minnesota and the United States.

#### Agenda Item 10: Corrective and Other Actions

The Corrective and other actions were presented for Board information only.

#### Agenda Item 11: New Business

- Ms. Martinez informed the Board that she will attend the FSMB Tri-Regulator Symposium in Arlington, Virginia on October 6-7, 2015. The Symposium gathers regulators from the Boards of Pharmacy, Nursing and Medical to meet and discuss various interdisciplinary regulatory issues.

In preparation for the Symposium, Ms. Martinez will meet with Board of Pharmacy's Executive Director Cody Wiberg, Pharm.D., M.S., R.Ph., and the Board of Nursing's Executive Director Shirley Brekken, M.S., R.N, to discuss updating the Joint Statement on Pain Management that Pharmacy, Nursing, and the Medical Board adopted from the Federation's Model Policy on Opioid Prescribing. Ms. Martinez may present the updated Joint Statement on Pain Management at the September 12, 2015, Board meeting. Ms. Martinez requested that, if Board members had any comments or thoughts before she meets with Ms. Brekken and Mr. Wiberg, to please contact her.

A motion was made and passed unanimously to adjourn from public session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Keith H. Berge, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; and Joseph R. Willett, D.O., FACOI

### **SCOTT M. ABRAMS, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for stayed suspension, reprimand, conditioned and restricted license signed by Dr. Abrams.

### **DANIEL R. BERG, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

### **WILFRED E. GOULD, III, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

### **MICHAEL L. LASTINE, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for conditioned license signed by Dr. Lastine.

### **DEBRA M. NOWAK, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for indefinite suspension signed by Dr. Nowak.

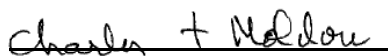
### **DEIDRE J. SOLBERG, M.D.**

On recommendation of the Licensure Committee, the Board approved the Stipulation and Order for conditioned and restricted licensed signed by Dr. Solberg.

### **Other Discussion:**

After a brief discussion regarding the difficulties obtaining complete electronic medical records (EMR) for the Complaint Review Committee to review, a motion was made and passed unanimously that the Policy and Planning Committee discuss how to obtain complete EMRs for the Complaint Review Committees. After the Policy and Planning Committee meets, their findings will be presented to the full Board.

There being no further business, the meeting was adjourned.

 MD  
Charles F. Moldow, M.D.  
Secretary  
MN Board of Medical Practice

September 3, 2015  
Date